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09/638,658	08/14/2000	Richard St. Clair Bailey	MSI-577US	9652
22801	7590	04/04/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/638,658

Applicant(s)

BAILEY ET AL.

Examiner

Peng Ke

Art Unit

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 2/1/06.

Claims 1-27 are pending in this application. Claims 1,8,10,16,17, and 23 are independent claims.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. (US 5,808,601) in view Rosenberg et al. (US 6,894,678)

As per claim 1, Leah et al. teaches (amended) a method comprising a graphical user interface:

determining an offset value between a selected object's position and an input position; and dynamically and gradually reducing the offset value by correctively adjusting the input position with respect to the object's position (fig 1, 2c, col. 6, lines 16-44).

However, Leah et al. fails to teach in proportion to a movement of the selected object.

Rosenberg teaches in proportion to a movement of the selected object. (column 40, lines 45-column 41, lines 39; Cursor is a selected object.)

It would have been obvious to an artisan at the time of the invention to include Rosenberg's teaching with method of Leah in order to reduce user's undesired experience of any hard, physical stops when the mouse reaches a physical limit.

As per claim 2, which is dependent on claim 1, Leah et al. and Rosenberg teach the method as recited in Claim 1. Leah further teaches wherein the object position includes a preferred contact area (fig 2c, item m; The examiner infers m to be the preferred contact area).

As per claim 3, which is dependent on claim 2, Leah et al. and Rosenberg teach the method as recited in Claim 2. Leah further teaches wherein the preferred contact area includes a definable point associated with an object, and the object can be selectively moved within the graphical user interface (fig. 4a, item std).

As per claim 4, which is dependent on claim 1, Leah et al. and Rosenberg teach the method as recited in Claim 1. Leah further teaches wherein the input position includes updated positioning information from a user input mechanism (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out whether or not the object is within the boundary).

As per claim 5, which is dependent on claim 4, Leah et al. and Rosenberg teach the method as recited in Claim 4. Leah further teaches wherein dynamically and gradually reducing the offset value further includes implementing a corrective function that selectively and incrementally reduces the offset based on (fig. 1 item 8; col. 8, lines 23-39)

As per claim 6, which is dependent on claim 4, Leah et al. and Rosenberg teach the method as recited in Claim 4. Leah further teaches wherein implementing the corrective function that selectively and incrementally reduces the offset based on the updated positioning information is further selectively implemented based upon differences between the updated positioning information with respect to previous positioning information (col. 5, lines 17-68; It is

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inherent that the input position must be updated in order to figure out weather or not the object is within the boundary).

As per claim 7, which is dependent on claim 5, Leah et al. and Rosenberg teach the method as recited in Claim 5. Leah further teaches wherein the corrective function includes a linear corrective factor (Fig 1, item 8; The examiner infers x to the linear factor).

As per claim 8, Leah et al. teaches a method for use in a graphical user interface, the method comprising determining an offset value between an object's position and an input position, wherein the input position includes updated positioning information from a user input mechanism (fig 1, 2c, col. 6, lines 16-44) ; and

dynamically and gradually reducing the offset value by implementing a corrective function including a linear corrective factor that selectively and incrementally reduces the offset. (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out weather or not the object is within the boundary)

However, Leah et al. fails to teach in proportion to a movement of the selected object.

Rosenberg et al. fails to teach in proportion to a movement of the selected object. (column 40, lines 45-column 41, lines 39; Cursor is a selected object.)

It would have been obvious to an artisan at the time of the invention to include Rosenberg's teaching with method of Leah in order to reduce user's undesired experience of any hard, physical stops when the mouse reaches a physical limit.

As per claim 9, which is dependent on claim 5, Leah et al. and Rosenberg teach the method as recited in Claim 5. Leah further teaches the method comprising graphically displaying the object within a graphical user interface (col. 2, lines 13-28).

As per claim 10, it is rejected with the same rationale as claim 1. (see rejection above).  
As per claim 11, which is dependent on claim 10, it is of the same scope as claim 2 (see rejection above).

As per claim 12, which is dependent on claim 11, it is of the same scope as claim 3 (see rejection above).

As per claim 13, which is dependent on claim 10, it is of the same scope as claim 4 (see rejection above).

As per claim 14, which is dependent on claim 13, it is of the same scope as claim 5 (see rejection above).

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7 (see rejection above).

As per claim 16, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 17, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 2 (see rejection above).

As per claim 19, which is dependent on claim 18, it is of the same scope as claim 3 (see rejection above).

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 4 (see rejection above).

As per claim 21, which is dependent on claim 20, it is of the same scope as claim 5 (see rejection above).

As per claim 22, which is dependent on claim 21, it is of the same scope as claim 7 (see rejection above).

As per claim 23, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 24, which is dependent on claim 20, Leah et al. and Rosenberg teach the method as recited in Claim 20. Leah further teaches wherein the input device includes a pointing device (col.6, lines 35-40).

As per claim 25, which is dependent on claim 24, Leah et al. and Rosenberg teach the method as recited in Claim 24. Leah further teaches wherein the pointing device includes a mouse (col.6, lines 35-40).

As per claim 27, which is dependent on claim 17, Leah et al. and Rosenberg teach the method as recited in Claim 17. Leah further teaches wherein the logic is operatively configured within a computer (col. 8, lines 23-39).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. (US 5,808,601) in view Rosenberg et al. (US 6,894,678) in view of Shieh (US 5,870,083).

As per claim 26, which is dependent on claim 20. Leah and Rosenberg teach the apparatus as recited in Claim 20. However they fail to teach the apparatus wherein the input device includes a touch screen device. Shieh teaches an apparatus wherein the input device includes a touch screen device (col 4, line 26). It would have been obvious to an artisan at the

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time of the invention to include Shieh's teaching with the apparatus of Leah and Rosenberg in order to allow the users to operate with their finger or a pointing device without the inconvenience of installing a mouse.

***Response to Argument***

Applicant's arguments filed on 2/1/06 have been fully considered but they are not persuasive.

Applicant's arguments focused following:

1) Rosenberg fails to teach the adjusting object's position in proportion to a movement of the selected objects.

2) There is no reason to combine Rosenberg with Leah.

Examiner disagrees.

1) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).



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In this case, Rosenberg teaches this limitation (abstract) because Rosenberg moves a cursor against a weak magnitude resistive force when the motion of mouse is fast (column 37, line 65-column 38, lines 18) and increases the magnitude resistive force when the mouse slows down. (column 37, line 65-column 38, lines 18) Therefore, by adjusting the magnitude resistive force, Rosenberg is in fact adjusting object's position in proportion to a movement of the object. Furthermore, when the mouse's speed is below a minimum threshold, Rosenberg uses multiple force detents to determine cursor's position on screen. (column 40, lines 58-column 41 lines 32) However when the mouse's speed is above the minimum threshold, the detents were not used. (column 40, lines 58-column 41 lines 32) The use of detents also suggests adjustment of cursor's position proportion<sup>ally</sup> to a movement of the mouse.

2) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Rosenberg provides a reason to combine and that is to reduce "user's undesired experience of any hard, physical stops when the mouse reaches a physical limit." (Column 7, lines 10-15)

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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